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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/570,918

12/15/2006

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12400-063

3834

757 7590 04/03/2009  
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EXAMINER

ENGLISH, JAMES A

ART UNIT

PAPER NUMBER

3616

MAIL DATE

DELIVERY MODE

04/03/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/570,918	<b>Applicant(s)</b> HELBIG ET AL.	
	<b>Examiner</b> James English	<b>Art Unit</b> 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

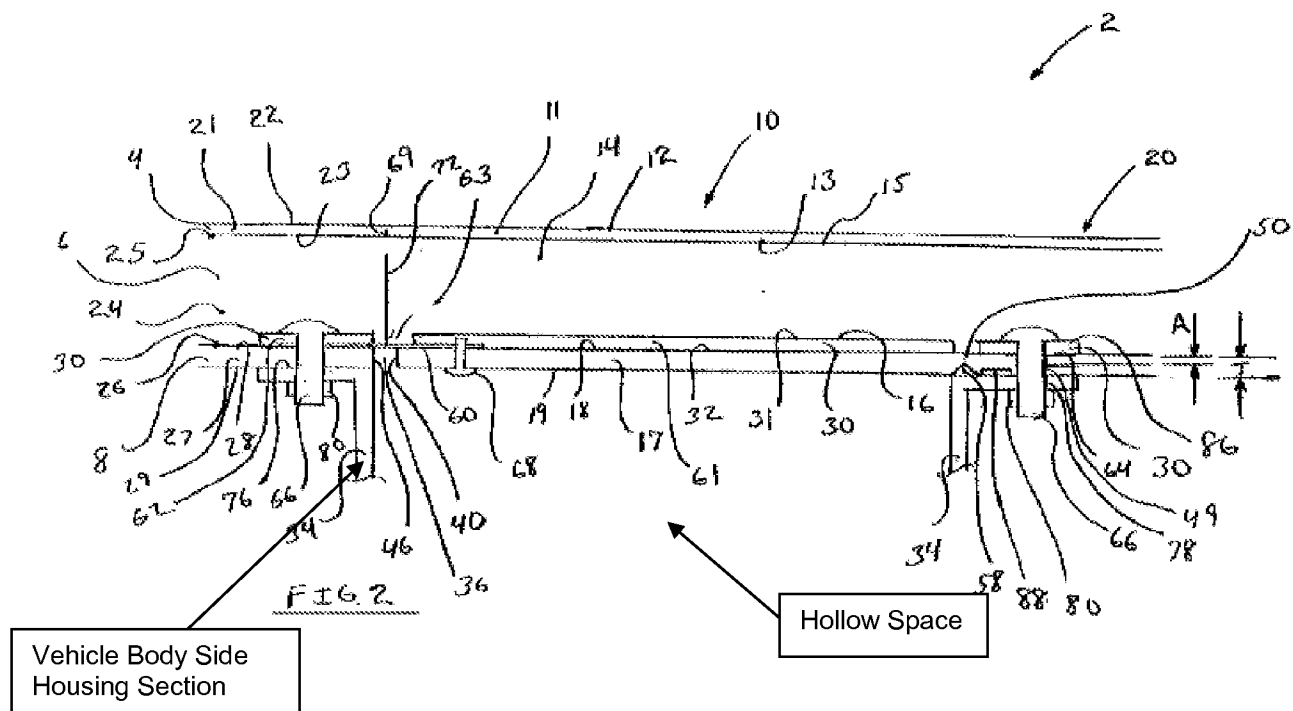
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gray et al. (US 2002/0153710 A1).

With respect to claim 1, Gray et al. discloses a main housing structure (canister 34; Fig. 2 and see paragraph [0092], last line) and a housing cover (10; Fig. 2) that is connected with the main housing structure (34) to define a hollow space (Modified Fig. 2 – below). Gray et al. further discloses the housing cover (10) is configured to have an outer side (11) that faces the vehicle occupants when installed in the motor vehicle (Figs. 2-3), the main housing cover (10) having an inner side (17; Fig. 2) opposite the outer side (11), the inner side (17) having at least one side edge material weakness (44, 48) formed therein which is torn open upon deployment of the airbag (Paragraph 126), defining an edge of the housing cover (10; Figs. 1-3), the inner side (17) having a hinge material weakness (50; Fig. 3) formed therein defining a hinge (Paragraph 16) that folds to form a cover flap upon deployment of the airbag to open the housing cover (10), the cover flap (Paragraph 116) having a portion of the housing cover (10) including the edge (Paragraphs 115-116), the side edge material weakness (44, 48) and hinge material weakness (50) are invisible as viewed along the outer side of the housing cover

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(10) by the vehicle occupants (Paragraph 2), and the housing cover (10) is additionally connected with the main housing structure (34) by a perforated section (36) that tears open upon deployment of the airbag allowing the hinge to fold. (Figs. 2-3, paragraphs 98, 137, 147-148.) Gray et al. discloses an airbag canister housing (34) but does not disclose a gas generator and an airbag. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the airbag canister housing in Gray et al. contain a gas generator and airbag as it is well known in the art that an airbag housing contains an airbag and gas generator.



With respect to claim 2, Gray et al. discloses the perforated section (36) has one or more perforations (36) formed on a part of the housing which is not visible to the vehicle occupants when installed in the motor vehicle. (Figs. 1-3, paragraphs 2-3.)

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With respect to claims 3, Gray et al. does not disclose the tear line of perforation of the perforated section as parallel to the vertical axis of the vehicle but discloses the perforated section (36) defining an axis of a tear line of perforation (Fig. 3) that is orientated generally perpendicular to the vertical axis of the motor vehicle. However, Gray et al. does disclose that the housing structure (34) is applicable to seats. (Paragraph 90.) It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the airbag housing structure in Gray et al. applied in a seat configuration wherein the tear line of perforation in the perforated section would be generally parallel to the vertical axis of the motor vehicle as one skilled in the art would understand that the perforated section on a side airbag is generally orientated vertically, parallel to the vertical axis of the vehicle.

With respect to claim 4, Gray et al. discloses the perforated section (36) is formed on a vehicle body side housing section (Modified Fig 2 - above) of the housing. (Figs. 2-3.) The perforated section is concealed from the occupant and is located inside the vehicle formed on a vehicle body side housing section (Modified Fig 2 - above) of the housing. (Figs. 2-3, paragraph 2.)

With respect to claim 5, Gray et al. discloses the perforated section (36) has one or more perforations (36, 46) formed between bridges (56), which create a connection between a vehicle body side housing section (Modified Fig 2 - above), and the housing cover (10) of the housing and wherein the connection fails upon deployment of the airbag causing the housing cover (10) to tear away from the main housing structure (34) as the housing cover (10) tears at the at least one side edge material weakness (38, 42)

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and hinges about the hinge material weakness (50). (Fig. 3, paragraphs 98-99, 104-106 and 115-116.) The vehicle body side housing section (Modified Fig 2 - above) of the housing is located within the instrument panel, hidden from the occupant and is on the vehicle body side. (Figs. 2-3, paragraph 2.)

With respect to claim 6, Gray et al. discloses the perforated section (50) is overlapped by a section (11) of the housing cover (10). (Fig. 2, paragraphs 91-92.)

With respect to claim 7, Gray et al. does not disclose the perforated section (36) arranged vertical and the at least one side edge material weakness (38) and the hinge material weakness (50) are arranged vertically but does disclose the perforated section (36) arranged generally horizontal and the at least one side edge material weakness (38) and the hinge material weakness (50) are arranged generally horizontally to one another. (Fig. 3A.) However, Gray et al. does disclose that the housing structure (34) is applicable to seats. (Paragraph 90.) It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the airbag housing structure in Gray et al. applied in a seat configuration wherein the perforated section (36) is arranged generally vertical and the at least one side edge material weakness (38) and the hinge material weakness (50) are arranged generally vertically to one another as one skilled in the art would understand that the perforated section on a side airbag is generally orientated vertically, and the side edge material weakness and hinge material weakness on a seat airbag application would be arranged generally vertically to one another.

With respect to claim 8, Gray et al. discloses the hinge material weakness (50) is formed on the inner side (Fig. 2) of housing cover (10), which is close to and parallel to an axis of rotation of the housing cover (10) upon deployment of the airbag. (Paragraphs 115-116.)

With respect to claim 9, Gray et al. discloses the hinge material weakness (50) in the area of a flap axis is formed in such a way that the housing cover (10) does not tear open there. (Paragraphs 115-116.)

With respect to claim 10, Gray et al. discloses the housing (10) comprises a plastic material. (Paragraph 97.)

With respect to claim 11, Gray et al. discloses the housing (10) is the housing (10) for a side airbag device. (Paragraph 90.)

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

4. It is also noted that the features upon which applicant relies (i.e., (1) a hinge that folds to form a cover flap upon deployment of the airbag to open the housing cover, the cover flap having a portion of the housing cover including the edge and (2) a perforated section that allows the hinge to fold) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references cited on the PTO-892 form disclose similar features of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James English whose telephone number is (571)270-7014. The examiner can normally be reached on Monday - Thursday, 7:00 - 5:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James English/  
Examiner, Art Unit 3616

/Ruth Ilan/  
Primary Examiner, Art Unit 3616